









3:18cr025  
Exhibit  
46  
7/19/19













PENGAD 800-631-6989  
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GOVERNMENT  
EXHIBIT  
49  
3:18025





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EXHIBIT  
3:18425





Government  
Exhibit  
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370813





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Government  
Exhibit  
5310  
3/18/19





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54  
HW  
7/19/19









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7/19/19  
56  
EXHIBIT  
3:180235





7/19/19  
197  
3:18W25





PENGAD 800-631-6989  
7/19/19  
201  
22  
3:18 PM  
GOVERNMENT  
EXHIBIT



From: From: +13108030551  
Timestamp: 8/12/2017 07:09(UTC-7)  
Source App: iMessage: +13108030551  
Body:  
We're here are you with us

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From: From: +17708655221  
Timestamp: 8/12/2017 07:14(UTC-7)  
Source App: iMessage: +13108030551  
Body:  
Fixing to leave parking garage

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From: From: +17708655221  
Timestamp: 8/12/2017 07:25(UTC-7)  
Source App: iMessage: +13108030551  
Body:  
Waiting on a few more guys

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From: From: +13108030551  
Timestamp: 8/12/2017 07:26(UTC-7)  
Source App: iMessage: +13108030551  
Body:  
We fought our way into the event we're on the left when you come up the stairs







7/19/19  
Government  
Exhibit  
3:18629





7/19/19  
Government  
Exhibit  
66  
3-180425



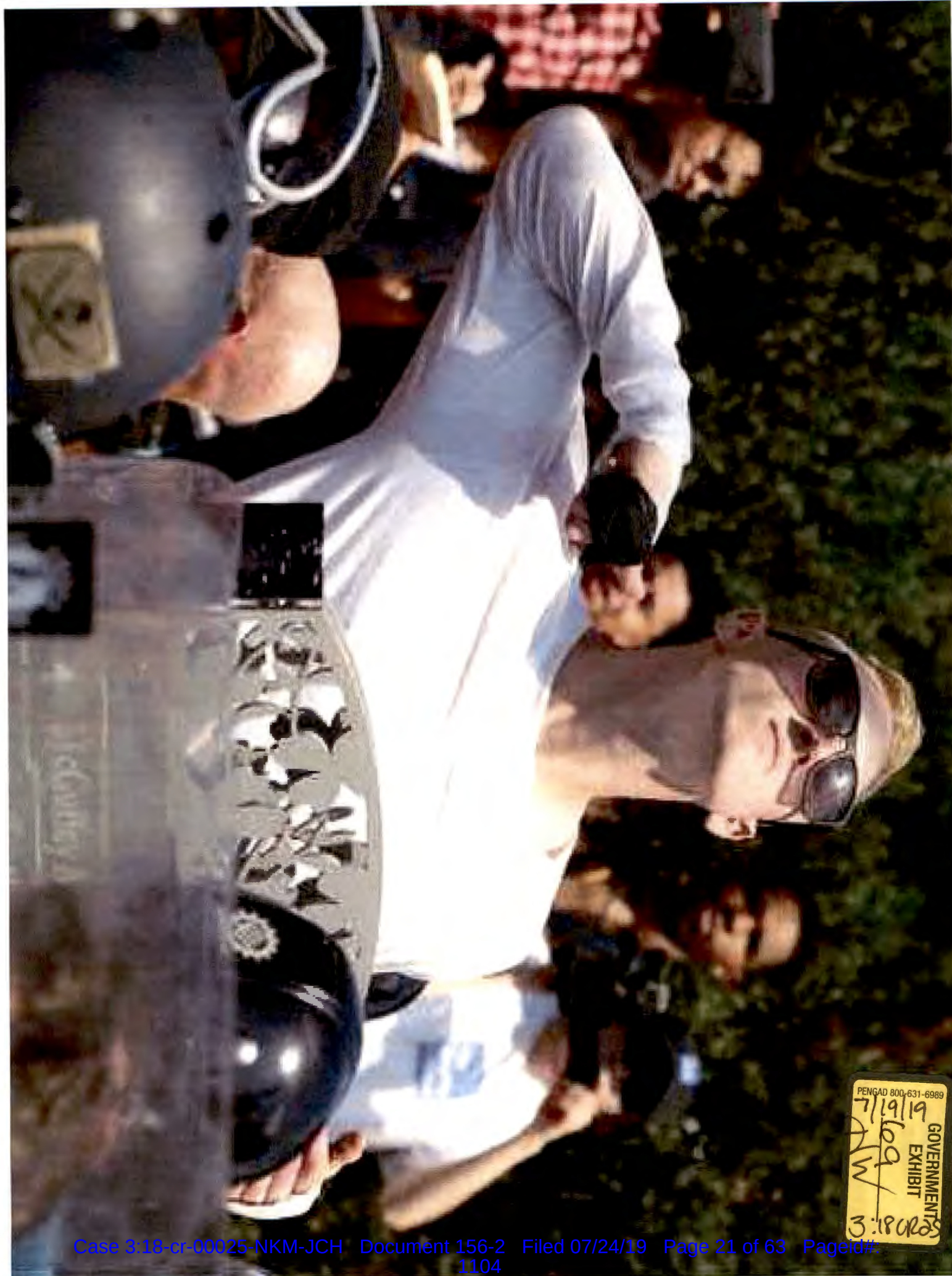


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Exhibit  
7/19/19  
67  
3:180K25









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EXHIBIT  
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TOLL-FREE 800.262.8777  
LOCAL 540.667.0600  
FAX 540.667.6562

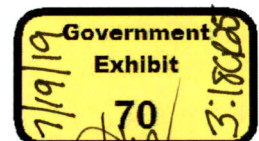
U.S. DEPARTMENT OF JUSTICE

U.S. ATTORNEY'S OFFICE  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

[REDACTED]  
UNITED STATES COURTHOUSE AND FEDERAL BUILDING  
255 WEST MAIN STREET  
CHARLOTTESVILLE, VIRGINIA 22902

[REDACTED]  
WEDNESDAY, AUGUST 22, 2018  
11:07 A.M.

County  
**COURT REPORTERS, Inc.**  
Videography Litigation Technology™







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9 **Q. What if anything stood out to you initially**  
10 **when these guys started talking at the bar?**

11 A. I hear them say that, "We just got back from  
12 Charlottesville."

13 **Q. Who said that?**

14 A. Ben Daley. And he was, Eric Atwood may have  
15 said it. But I remember Ben Daley saying it. You know,  
16 I think Eric Atwood agreed, you know, "We, we came  
17 back," or whatever. But Ben Daley said it.

18 **Q. Did Ben Daley say anything else about being**  
19 **in Charlottesville and how he felt about that?**

20 A. Yeah. I mean, he talked about, you know, I  
21 mean, he said that they were there. That it was crazy.  
22 He said, I mean, eventually, I mean, it wasn't all at  
23 one time. But, I mean, he said that their whole reason  
24 to be there was to wreak havoc. And, you know, to kick  
25 ass. And, you know, that type of language, you know.



1 Q. You recall specifically Ben Daley saying...

2 A. Ben Daley saying that, yes.

3 Q. Did Ben Daley say anything about his hand or  
4 any injuries that he had suffered in Charlottesville?

5 A. He told McEwan. He showed him his hand and  
6 he said, "My hand's still sore and swollen. I barely  
7 close it."

8 Q. You talked about Daley discussing how his  
9 hand was sore just getting back from Charlottesville  
10 wreaking havoc. What else did he say either about  
11 Charlottesville or the activities that he was involved  
12 in?

13 A. Well, he was bragging that he was that, he  
14 goes, "That's how we do. When you see a bunch of guys  
15 like us dressed the way we are coming in, it's scary.  
16 And can you imagine seeing that?" And he talked about  
17 the masks that they wear, that they're trying to, I  
18 don't know how they were trying to do it, but he said  
19 they were, like, "We wanted to make it okay that we  
20 wear masks, these masks that are, that are, when we go  
21 to march or a rally or whatever."

22 Q. At some point when you're overhearing this  
23 conversation, did you become concerned personally?

24 A. At one point. And this is what made me not,  
25 like, normally I would, like, just kick them out of



1 the bar. But he said, "We're going after feminists  
2 now."

3 **Q. Who said that?**

4 A. Ben Daley. My daughter's a twenty-one year  
5 old feminist. And so that's when I decided I was going  
6 to take notes and listen to these guys. And, you know,  
7 do what I can. Sorry.

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**Q. What about living in California? Did Daley talk about that in relation to Charlottesville or anything else?**

A. He said he would move out of California, "but it was important for us to win in California. We've got to win here, because, you know, something about my," I think he even actually said, like, "My parents' generation let, let it go to far here or there's too many immigrants." Something like that, you



1 know. He was, you know, giving that effect that, you  
2 know, California's important.

3 Q. You talked about your impression was that  
4 Daley was trying to impress, maybe recruit McEwan. Did  
5 he talk about his group and what they did and how they  
6 trained?

7 A. Yeah. He said him and another guy started  
8 the group called RAM, and so, and that they train in  
9 Orange County and Carson.

10 Q. Now Daley talked about in the  
11 Charlottesville, hurting his hand in Charlottesville.  
12 And I think you mentioned, he mentioned other events  
13 that he had participated in. What do you recall about  
14 that?

15 A. The one I know, he mentioned a couple but  
16 the one I know I remember is he said, "We were at the  
17 Berkeley riots."

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 **BY MR. KAVANAUGH:**

5 **Q. I apologize. During the conversation, was**  
6 **there an exchange of any phone or did anyone show**  
7 **anybody else's phone?**

8 **A. Yes. Ben Daley talked about, and like I**  
9 **said, I don't remember exactly when it was. But Ben**  
10 **Daley pulled out his phone and said, "This is a**  
11 **picture of me hitting," and I don't know if he says**  
12 **girl or a guy, but hitting somebody. "And I don't want**  
13 **this to get out because I've got a business and if**  
14 **this one gets out, my business is already under attack**  
15 **or something like that, and I don't need this to get**  
16 **out." But he pulled out his phone and showed it to**  
17 **McEwan. And McEwan was impressed, "Holy shit, you**  
18 **know, look at that." You know, that's, that's kind of**  
19 **one of things that I felt like he was recruiting him**  
20 **because they was like, "This is what we do. This is**  
21 **what we do." And McEwan was, like, impressed, you**  
22 **know.**

23 **Q. And I take it from your angle at the bar,**  
24 **you weren't able to...**

25 **A. No.**



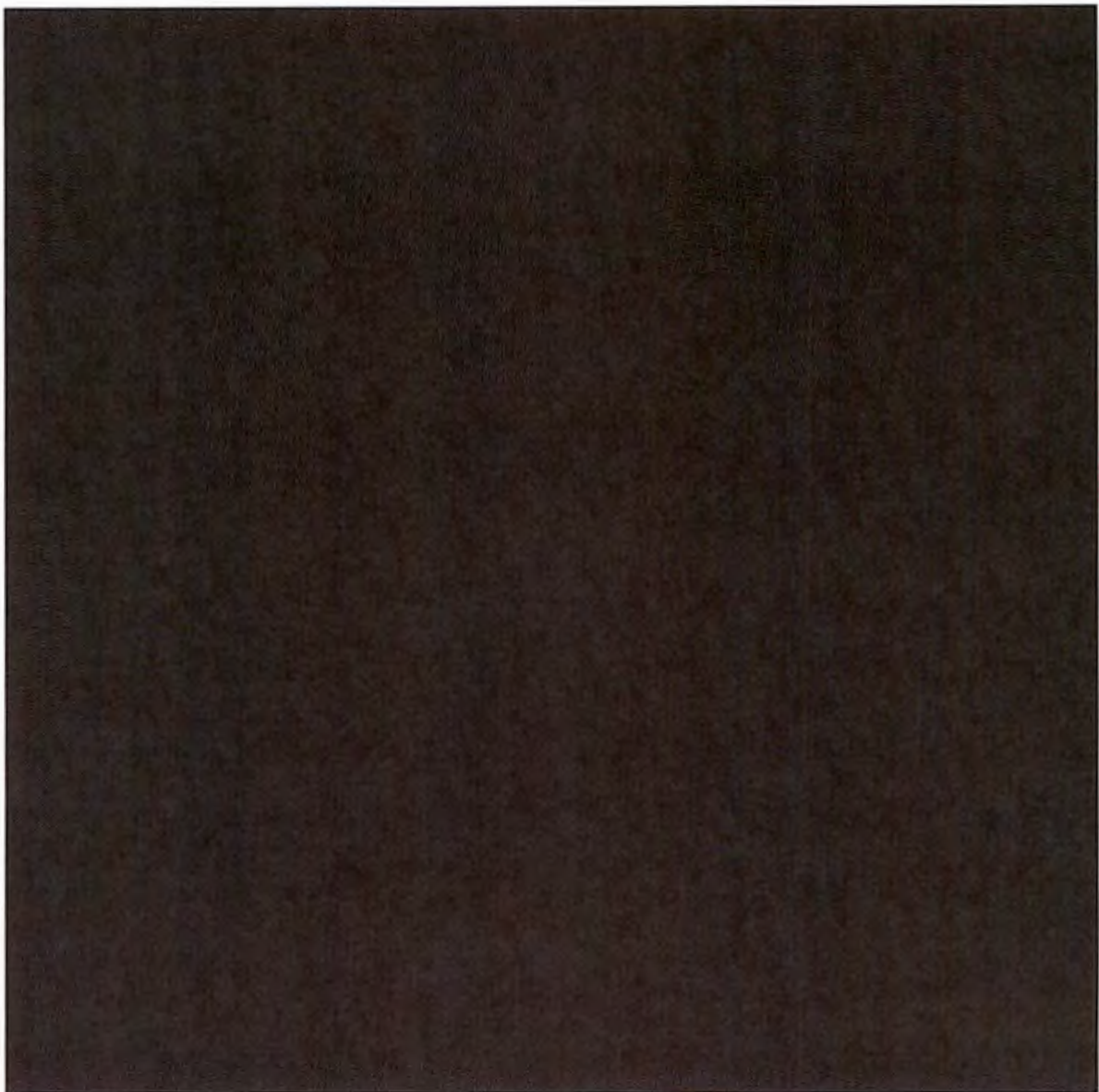
1 Q. ...actually see the photograph?

2 A. No.

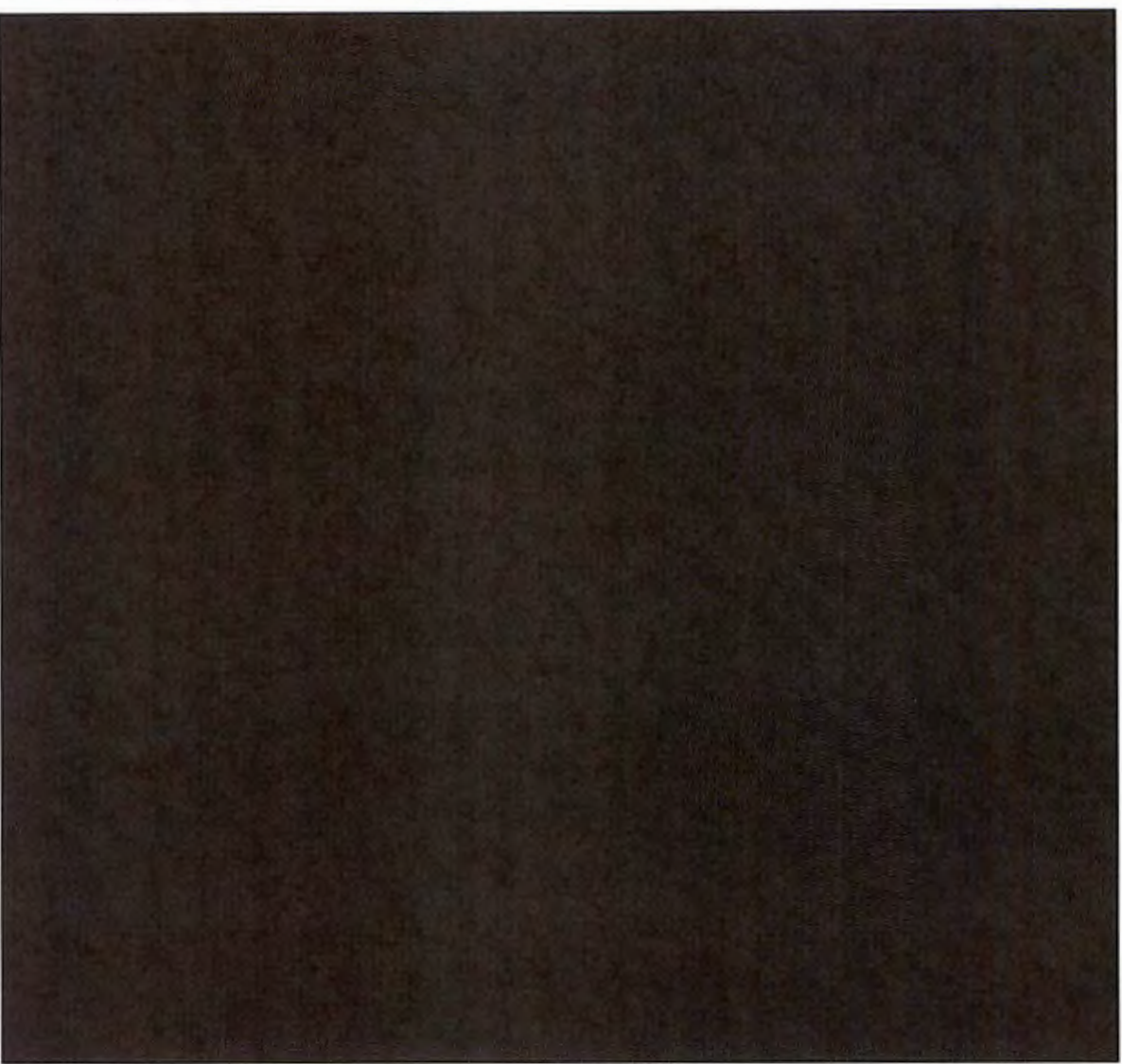
3 Q. Okay.

4 A. And that's kind of one of the impetus of me  
5 calling the FBI agent that I know. I was like, "Well,  
6 he's got stuff on his phone." I mean, he's bragging  
7 and showing people. That, and like I said, the thing  
8 about going after women.

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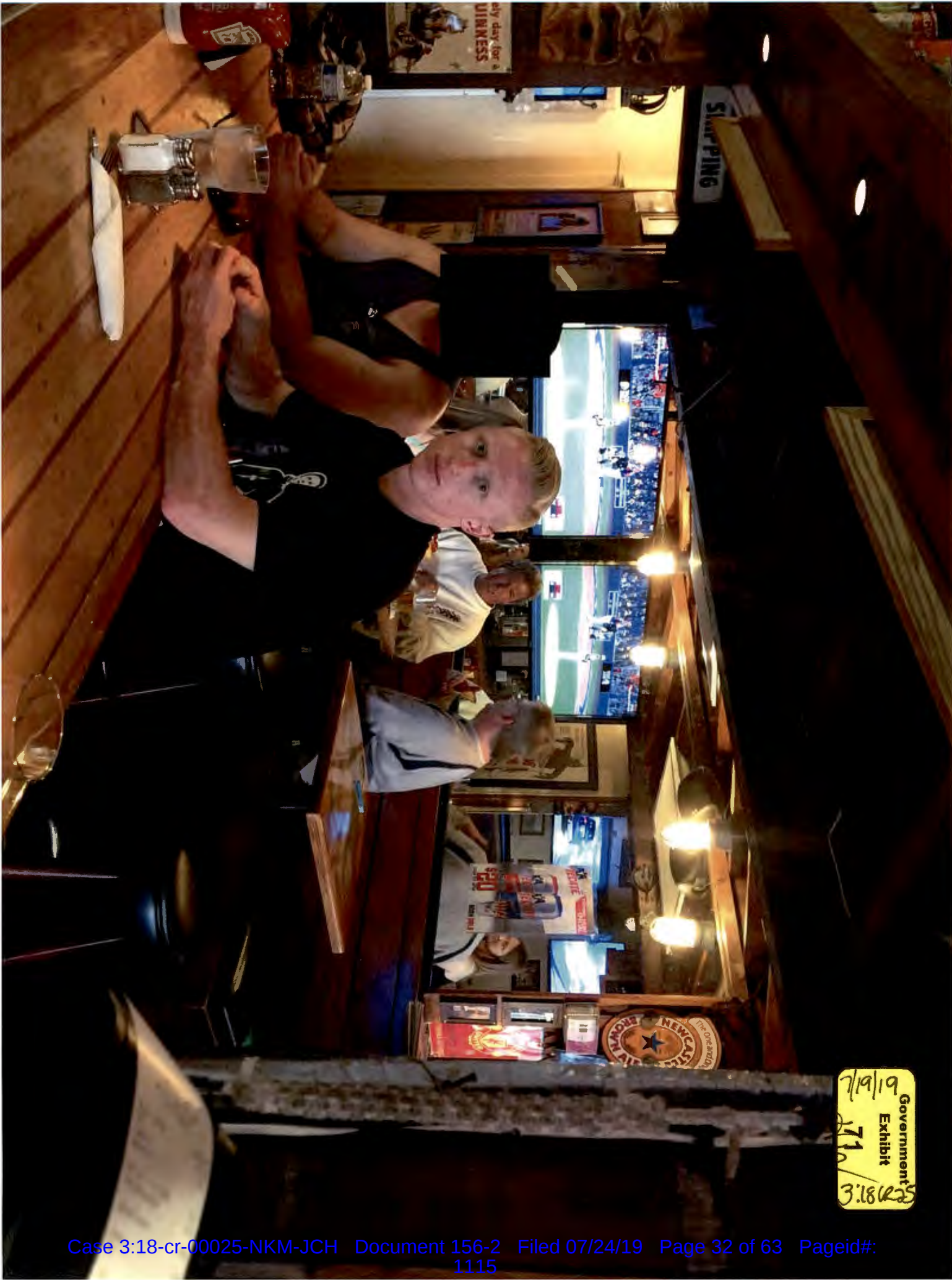
JUROR; Did you overhear any anti-sementic references?

**WITNESS:** Yeah. I heard them say they don't care about Donald Trump because he let his daughter marry a Jew at one point. You know, something along those lines. But I mean, that's the only thing. They said that this, if I remember right, they were saying stuff like, "It's not about that. It's about, their job was to cause havoc and to scare people." And I



1 think that's why they're scaring people. But they,  
2 like, it seemed to me they didn't care about the  
3 statues and stuff like that. That they were just to  
4 cause havoc, to wreak havoc is what they said, you  
5 know.

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Government  
Exhibit  
71  
3.18.25  
6/19/19



Government  
Exhibit  
72  
6/16/17  
3/18/17

DX - Hand

Current

ISELIS, MICHAEL PAUL

04-16-2017











Government  
Exhibit  
7/9/19 76 3.180625







From: From: +15414808668 Mom  
Timestamp: 10/30/2017 5:07:44 PM(UTC-7)  
Source App: iMessage: +13104155596  
Attachments:  
#1: files\Image\IMG\_4722.jpeg  
Body:  
This is violence not self defense. Completely different posture

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 5:08:10 PM(UTC-7)  
Source App: iMessage: +13104155596  
Body:  
Watch the whole video

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 5:08:21 PM(UTC-7)  
Source App: iMessage: +13104155596  
Body:  
We were walking on the sidewalk and 15 of them attacked us

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 5:08:37 PM(UTC-7)  
Source App: iMessage: +13104155596  
Body:  
My back is literally up against something

-----  
From: From: +15414808668 Mom  
Timestamp: 10/30/2017 5:12:05 PM(UTC-7)  
Source App: iMessage: +13104155596  
Body:

Your message is racist and violent. You are not being excommunicated from our family—your racism is preventing you from being welcome .  
We love you and you are still welcome at our home in Bend but your world is going to continue to shrink.

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 5:13:58 PM(UTC-7)  
Source App: iMessage: +13104155596  
Body:  
I am truly bothered then you wouldn't believe a picture and not watch the entire video on YouTube and assume that your son would attack a woman

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 5:14:33 PM(UTC-7)  
Source App: iMessage: +13104155596  
Body:  
Is there is crystal clear footage of us walking on the sidewalk and a pack of insane feminists and blacks attacking us and we did what any sane  
. . . . .

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 5:16:17 PM(UTC-7)  
Source App: iMessage: +13104155596





Body:  
But you're probably right the right thing would've been to let them claw my fucking eyes out and maybe I could've gotten some sympathy  
LOL

-----  
From: From: +15414808668 Mom  
Timestamp: 10/30/2017 5:35:50 PM(UTC-7)  
Source App: iMessage: +13104155596

Body:  
You have never been harmed by any Jew or Black. Protest meth dealers and I could understand.

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 6:39:19 PM(UTC-7)  
Source App: iMessage: +13104155596

Body:  
I actually have

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 7:24:44 PM(UTC-7)  
Source App: iMessage: +13104155596

Body:  
You don't care enough to thoroughly early examine the problem

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 7:27:17 PM(UTC-7)  
Source App: iMessage: +13104155596

Body:  
Over 50th Americans died from prescription drugs in 2016

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 7:28:07 PM(UTC-7)  
Source App: iMessage: +13104155596

Body:  
You wanta take a wild guess of the ethnicity of the owners of the company selling OxyContin??

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 7:28:16 PM(UTC-7)  
Source App: iMessage: +13104155596

Body:  
They're Jewish

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 7:29:04 PM(UTC-7)  
Source App: iMessage: +13104155596

Body:  
Their family fought for year to make it legal to sell deadly drugs to the American people

-----  
From: From: +13104155596  
Timestamp: 10/30/2017 7:29:14 PM(UTC-7)  
Source App: iMessage: +13104155596

Body:  
\*years

#	Party	Date	Time	All timestamps	Direction	Delivered-Date	Delivered-Time	Read-Date	Read-Time	Folder	Status	Source	SMSC	Message	Deleted
53		7/6/2017	7/6/2017 7:32:22 PM(UTC-7)		Outgoing					Sent	Sent			Realizing jews engineered the hell I was living in with the intent of guaranteeing my misery / childlessness / suicide / drug overdose / mediocrity / impotence / genocide was what enraged me enough to do the ◆0◆◆G> Uj ◆n U	Yes

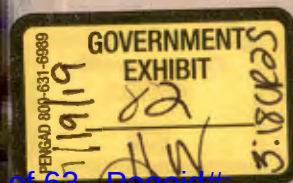




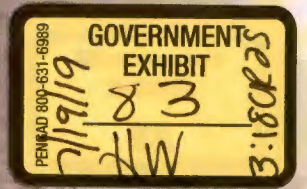
PENAD 800-631-6889  
7/19/19  
GOVERNMENT  
EXHIBIT  
8/1  
HW  
3:18 OK

RAPEUGEE'S  
NOT WELCOME











PENGAD 800-631-6989  
7/9/19  
GOVERNMENT  
EXHIBIT  
84  
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7/19/19  
Government  
Exhibit  
85  
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3:180625  
Government  
Exhibit  
86  
7/19/18





7/19/19  
Government  
Exhibit  
91  
3:186228

FILED IN OPEN COURT  
DATE: 4/29/19  
DEPUTY CLERK

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA : Criminal No. 3:18 CR 00025 (NKM)  
v. :  
THOMAS WALTER GILLEN :

STATEMENT OF OFFENSE

The offenses described below occurred within the Western District of Virginia, as well as other districts. This Statement of Facts briefly summarizes the facts and circumstances surrounding the defendant's criminal conduct. It does not contain all of the information obtained during this investigation and applicable to an accurate Presentence Report and Sentencing Guidelines calculation.

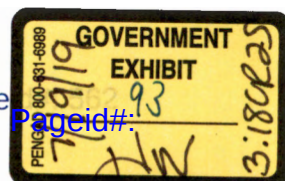
This statement of facts is not protected by proffer agreement or any other agreement, and shall be wholly admissible at trial in the event this plea is later withdrawn notwithstanding any Rules or statutes to the contrary, including but not limited to, Federal Rules of Evidence 408 and 410, and Federal Rule of Criminal Procedure 11.

In early 2017, the defendant Thomas Walter Gillen and other individuals participated in an organization originally known as the "DIY Division" that was later re-branded as the "Rise Above Movement" or "RAM." RAM was located in the greater Los Angeles, California area and represented itself as a combat-ready, militant group of a new nationalist white supremacy and identity movement. RAM regularly held hand-to-hand and other combat training for RAM members and associates to prepare to engage in violent confrontations with protestors and other individuals at purported "political" rallies. They attended these rallies with the intention of provoking physical conflict with counter-protestors, which they believed would justify their use of force against the counter-protestors and shield them from prosecution for their acts of violence. RAM leaders organized the training sessions and attendance at political rallies through phone calls and text messages. In 2017, the defendant attended several such combat training events and rallies.

Through various social media platforms, RAM would publicly post photographs of its members with their faces partially concealed. These photographs would be accompanied by statements such as "When the squad[]s not out smashing commies." The defendant posed in some of these group photographs.

Defendant's Initials:

*TW*





## **I. Huntington Beach, California on March 25, 2017**

On March 25, 2017, the defendant attended a political rally in Huntington Beach, California along with several RAM members. At that event, several RAM members pursued and assaulted protestors and other persons. Following that rally, photographs depicting RAM members assaulting protestors and other persons were covered on the news and on various Neo-Nazi, white supremacist websites. RAM members celebrated this coverage, and used the Internet to post statements, photographs, and videos of assaults committed by RAM members at this rally in order to recruit members to engage in violent confrontations at future events.

## **II. Berkeley Riots on April 15, 2017**

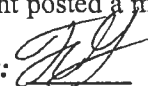
On or about April 15, 2017, the defendant attended a purported political rally in Martin Luther King Jr. Civic Center Park in Berkeley, California.

Prior to the event, on or about April 14, 2017, a fellow RAM member, using a debit card, reserved and rented a van from Airport Van Rentals located at the Los Angeles International Airport to transport the defendant and other RAM members from southern California to Berkeley, California. On the evening of Friday, April 14, 2017, the defendant and eight other RAM members drove to Berkeley, California.

On April 15, 2017, the defendant and other RAM members attended the rally. Throughout the day, there were several violent clashes between some rally attendees and some individuals protesting the rally. In one of the first such instances, RAM members crossed the barrier separating the attendees and protestors, and assaulted protestors. As the rally broke up, rally attendees and protestors dispersed onto the streets of downtown Berkeley. The defendant, alongside other RAM members, followed a group of protestors who were leaving the area. In at least one instance, the defendant – with other RAM members – attacked a protestor, punching him several times and stomping on him once. The defendant's encounter was captured on video and subsequently posted to YouTube. These acts of violence were not in self-defense.

On April 16, 2017, in a text message to a friend, the defendant shared a YouTube video of the aforementioned encounter showing him punching and stomping on a protestor. In the text message, the defendant identified himself: "20 seconds in I'm in the grey shirt tuning up a commie."

Following the rally, photographs depicting defendant and other RAM members assaulting protestors and other persons were covered on the news and on various Neo-Nazi, white supremacist websites. RAM members celebrated this coverage, and used the Internet to post photograph and videos of assaults committed by RAM members in order to recruit members to engage in violent confrontations at future events. For example, on May 15, 2017, the RAM Instagram account posted a photograph of a RAM member wearing a black skull mask at the Berkeley event along with the comment, "#rightwingdeathsquad." On January 10, 2018, the RAM Twitter account posted a message describing itself as "the only alt right crew that actually

*Defendant's Initials:* 

beats antifa senseless and wins rallies.” On February 14, 2018, the RAM Gab account posted a photograph of a RAM member punching a protestor at the Berkeley event along with the text, “Talk shit get hit!”

Because one of the RAM members had broken his hand by punching someone in Berkeley, future RAM trainings events would include training on using “palm strikes” and elbows. Over the summer of 2017, the defendant attended these trainings to prepare for future rallies.

### **III. Travel to Charlottesville in August 2017**

In or around the spring and summer of 2017, an event referred to as the “Unite the Right” rally was organized and scheduled to occur on August 12, 2017, at Emancipation Park in Charlottesville, Virginia. This rally was widely promoted on social media and internet sites associated with white-supremacist individuals and groups, and was scheduled to feature a lineup of well-known white-supremacist speakers.

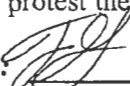
On or about July 29, 2017, the defendant, using his credit card, purchased a one-way ticket from American Airlines for commercial flights from Los Angeles International Airport in California to Charlottesville Albemarle Airport in Charlottesville, Virginia, departing on August 11, 2017. On August 11, 2017, the defendant boarded his flight and traveled from California to Charlottesville, Virginia, landing at approximately 2:25 p.m. (EST). At the time of his travel, the defendant expected that either he or his fellow RAM members (some of whom were also traveling to Charlottesville) would engage in violent confrontations with protestors or other individuals at the upcoming events in Charlottesville.

In anticipation of these confrontations, after arriving in Charlottesville, RAM members purchased athletic tape at the Wal-Mart to wrap their fists in order to prevent their hands from breaking when they punched someone.

### **IV. The Torch-Lit March at the University of Virginia on August 11, 2017**

On August 11, 2017, the evening prior to the scheduled Unite the Right rally, hundreds of individuals, including the defendant and fellow RAM members and associates, were gathering to engage in a torch-lit march on the grounds of the University of Virginia in Charlottesville, Virginia. At a nearby field where the group was gathering, the defendant and fellow RAM members and associates lined up in formation, lit their torches, and waited for the march to commence.

Throughout the march, the participants engaged in chants promoting or expressing white supremacist and other racist and anti-Semitic views, such as “Blood and soil!” and “Jews will not replace us!” The march culminated near the University of Virginia’s Rotunda, where a smaller group of individuals, including University of Virginia students, had gathered around a statue of Thomas Jefferson to protest the torch-lit march. Members of this group held a banner that read:

*Defendant’s Initials:* 



"VA Students Act Against White Supremacy." Chanting and bearing torches, the march participants encircled the Thomas Jefferson statue and surrounded the protestors. Violence erupted among the crowd, with some individuals punching, kicking, spraying chemical irritants, swinging torches, and otherwise assaulting others, all resulting in a riot as that term is defined under 18 U.S.C. § 2102. During and in furtherance of this riot, RAM members and associates punched and struck multiple individuals with a torch.

**V. The Unite the Right Rally on August 12, 2017**

On the morning of August 12, 2017, multiple groups and individuals espousing white-supremacist and other anti-Semitic and racist views arrived in and around the vicinity of Emancipation Park in Charlottesville, Virginia, to attend the Unite the Right rally. When they showed up to Emancipation Park, the defendant and other RAM members had in fact wrapped their hands with the white athletic tape purchased the day prior. After several instances of violence prior to the scheduled start of the rally, law enforcement declared an "unlawful assembly" and required rally participants to disperse.

One of the first breakouts of violence on the morning of August 12, 2017 occurred on 2nd Street NE, between Jefferson and High Streets, in downtown Charlottesville. The defendant and other RAM members were part of a large group of (over forty) individuals seeking entry to Emancipation Park by way of 2nd Street NE, but were told by members of law enforcement they had to enter from a different location. The group, including the defendant and other RAM members, turned around, lined up, and began to make their way through a group of (over twenty) individuals who had come to the rally to protest against racial and other forms of discrimination.

As they made their way through the group of protestors, the RAM members collectively pushed, punched, kicked, choked, head-butted, and otherwise assaulted several individuals, resulting in a riot. These acts were not in self-defense.

4-18-19  
Date

Tom Gillen  
Thomas Walter Gillen  
Defendant

4-18-19  
Date

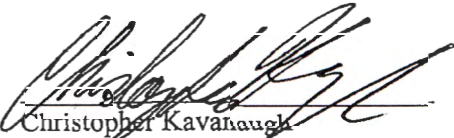
DA Eustis  
David Eustis  
Counsel for Thomas Gillen

4-22-19  
Date

T. Cullen  
Thomas T. Cullen  
United States Attorney

Defendant's Initials: TH

4-18-19  
Date

  
Christopher Kavanaugh  
Assistant United States Attorney

**Defendant's Initials:** \_\_\_\_\_



FILED IN OPEN COURT

DATE: 5/3/19

DEPUTY CLERK

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA : Criminal No. 3:18 CR 00025 (NKM)

v. :

MICHAEL PAUL MISELIS :  
:

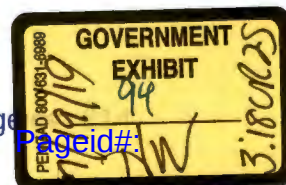
STATEMENT OF OFFENSE

The offenses described below occurred within the Western District of Virginia, as well as other districts. This Statement of Facts briefly summarizes the facts and circumstances surrounding the defendant's criminal conduct. It does not contain all of the information obtained during this investigation and applicable to an accurate Presentence Report and Sentencing Guidelines calculation.

This statement of facts is not protected by proffer agreement or any other agreement, and shall be wholly admissible at trial in the event this plea is later withdrawn notwithstanding any Rules or statutes to the contrary, including but not limited to, Federal Rules of Evidence 408 and 410, and Federal Rule of Criminal Procedure 11.

In early 2017, the defendant Michael Paul Miselis and other individuals participated in an organization originally known as the "DIY Division" that was later re-branded as the "Rise Above Movement" or "RAM." RAM was located in the greater Los Angeles, California area and represented itself as a combat-ready, militant group of a new nationalist white supremacy and identity movement. RAM regularly held hand-to-hand and other combat training for RAM members and associates to prepare to engage in violent confrontations with protestors and other individuals at purported "political" rallies. They attended these rallies with the intention of provoking physical conflict with counter-protestors, which they believed would justify their use of force against the counter-protestors and shield them from prosecution for their acts of violence. RAM leaders organized the training sessions and attendance at political rallies through phone calls and text messages. In 2017, the defendant attended several such training events and rallies.

Through various social media platforms, RAM would publicly post photographs of its members with their faces partially concealed. These photographs would be accompanied by statements such as "When the squad[']s not out smashing commies," "#rightwingdeathssquad," or "#goodnightleftside."



## **I. Huntington Beach, California on March 25, 2017**

On March 25, 2017, the defendant attended a purported political rally in Huntington Beach, California where he met several RAM members. At that event, several RAM members pursued and assaulted groups of protestors and other persons. Additionally, at the rally, the defendant exchanged phone numbers with at least one other RAM member (and co-defendant). Following the rally, photographs depicting RAM members assaulting protestors and other persons were covered on the news and on the "front page" of various Neo-Nazi, white supremacist websites. RAM members celebrated this coverage, and used the Internet to post statements, photographs, and videos of assaults committed by RAM members at this rally in order to recruit members to engage in violent confrontations at future events. For example, on the evening after the rally, the defendant sent a text message to his co-defendant: "Celebrity status . . . well done." In the text messages, the defendant also expressed an interest in joining RAM for future trainings. In referencing these events at Huntington Beach, the RAM Twitter account later posted a photograph showing several RAM members at the event, with the message, "Shortly after this pic antifa was btfo [i.e., blown the f—k out] in Huntington Beach."

## **II. Berkeley Riots on April 15, 2017**

In early 2017, a purported political rally was scheduled to occur in Martin Luther King Jr. Civic Center Park in Berkeley, California.

In anticipation of this rally, RAM invited the defendant to join them for combat training on Sunday, April 9, 2017, in San Clemente, California, the weekend before the rally. At this training, one of the subjects of focus would be "hand to hand fighting and formation fighting." The defendant attended these trainings.

On or about April 14, 2017, a fellow RAM member, using a debit card, reserved and rented a van from Airport Van Rentals located at the Los Angeles International Airport to transport the defendant and other RAM members from southern California to Berkeley, California. On the evening of Friday, April 14, 2017, the defendant met with eight other RAM members who then traveled to Berkeley, California in the van.

On April 15, 2017, several hundred people – to include the defendant and the other RAM members – attended the rally. The defendant and other RAM members were dressed in gray clothing, goggles, and a black scarfs or masks to cover the lower half of their faces. Throughout the day, there were several violent clashes between some rally attendees and individuals protesting the rally. In one of the first such instances, RAM members, including the defendant, crossed the barrier separating the attendees and protestors, and assaulted protestors and other individuals. In one instance, the defendant punched someone in the back of the head and broke his hand.



As the rally broke up, rally attendees and protestors dispersed onto the streets of downtown Berkeley. The defendant, alongside other RAM members and rally attendees, followed a large group of protestors who were leaving the area. In several instances, other RAM members chased and attacked protestors, punching and kicking them. On April 16, 2017, in describing this instance, the defendant stated in a text message he "was about to jump into that but our guys were just wrecking them" and that there was "not even any room to get a hit in." These acts of violence were part of and in furtherance of a riot, as that term is defined under 18 U.S.C. § 2102, and were not in self-defense.

Following the rally, photographs depicting defendant and other RAM members assaulting protestors and other persons were covered on the news and on various Neo-Nazi, white supremacist websites. RAM members celebrated this coverage, and used the Internet to post photographs and videos of assaults committed by RAM members in order to recruit members to engage in violent confrontations at future events. In a text message on April 16, 2017, the defendant described the event as "a total Aryan victory." On May 15, 2017, the RAM Instagram account posted a photograph of a RAM member wearing a black skull mask at the Berkeley event along with the comment, "#rightwingdeathsquad." On January 10, 2018, the RAM Twitter account posted a message describing itself as "the only alt right crew that actually beats antifa senseless and wins rallies." On February 14, 2018, the RAM Gab account posted a photograph of a RAM member punching a protestor at the Berkeley event along with the text, "Talk shit get hit!"

Because the defendant had broken his hand by punching someone in Berkeley, future RAM trainings events would include training on using "palm strikes" and elbows. Over the summer of 2017, the defendant attended these trainings to prepare for future rallies.

### **III. Preparations and Travel to Charlottesville in August 2017**

In or around the spring and summer of 2017, an event referred to as the "Unite the Right" rally was organized and scheduled to occur on August 12, 2017, at Emancipation Park in Charlottesville, Virginia. This rally was widely promoted on social media and internet sites associated with white-supremacist individuals and groups, and was scheduled to feature a lineup of well-known white-supremacist speakers.

On July 29, 2017, the defendant, using his credit card, purchased a one-way ticket from American Airlines for commercial flights from Los Angeles International Airport in California to Charlottesville Albemarle Airport in Charlottesville, Virginia, departing on August 11, 2017. The defendant was excited about the events scheduled for Charlottesville. He expected it would become a riot and that experience in riots at Huntington Beach on March 25, 2017 and Berkeley on April 15, 2017 would be valuable. For example, on June 30, 2017, the day after he bought his ticket, the defendant posted on the Discord platform to the "Charlottesville" thread for Unite the Right Rally participants: "Looking forward to the day. Will be bringing another Berkeley / Huntington vet."

On August 9, 2017, the defendant received a text message from a co-defendant that Cole White would be traveling and staying with them in Charlottesville. The co-defendant described Cole White as an "Excellent fighter. Stoked to have him with us." To the news, the defendant replied: "Nice, don't know that I got to talk to him at Berkeley." Prior to leaving California, The defendant had been given responsibility of purchasing torches and helmets once he arrived in Charlottesville. He texted a co-defendant for a precise count on the number of helmets needed, asking "one for each of the RAM guys? If so, how many guys do we have?" The co-defendant reminded him "Make sure to not use your card. Hit the ATM and use cash."

On August 10, 2017 at 9:20 p.m, the defendant boarded the first leg of his three-flight itinerary, traveling overnight from California to Charlottesville, Virginia, landing at approximately 9:25 am. (EST). At the time of his travel, the defendant expected that the upcoming events in Charlottesville would result in a riot during which either he or his fellow RAM members traveling to Charlottesville would engage in violent confrontations with protestors or other individuals.

In anticipation of these confrontations, after arriving in Charlottesville, the defendant went to Wal-Mart and – using his debit card – made a nominal purchase for a 98-cent pack of gum with \$100.00 in cash back, which he then used to purchase baseball helmets for himself and fellow RAM members. Another RAM member purchased athletic tape at the Wal-Mart to wrap their fists in order to prevent their hands from breaking when they punched someone.

#### **IV. The Torch-Lit March at the University of Virginia on August 11, 2017**

On August 11, 2017, the evening prior to the scheduled Unite the Right rally, hundreds of individuals, including the defendant and fellow RAM members and associates, were gathering to engage in a torch-lit march on the grounds of the University of Virginia in Charlottesville, Virginia. At a nearby field where the group was gathering, the defendant and fellow RAM members and associates lined up in formation, lit their torches, and waited for the march to commence. The defendant catalogued his participation and others by his Go-Pro, which he attached to his chest harness.

Throughout the march, the participants (including the defendant) engaged in chants promoting or expressing white supremacist and other racist and anti-Semitic views, such as "Blood and soil!" and "Jews will not replace us!" and "Anti-White!" The march culminated near the University of Virginia's Rotunda, where a smaller group of individuals, including University of Virginia students, had gathered around a statue of Thomas Jefferson to protest the torch-lit march. Members of this group held a banner that read: "VA Students Act Against White Supremacy." Chanting and bearing torches, the march participants encircled the Thomas Jefferson statue and surrounded the protestors. Violence erupted among the crowd, with some individuals punching, kicking, spraying chemical irritants, swinging torches, and otherwise assaulting others, all resulting in a riot as that term is defined under 18 U.S.C. § 2102. During and in furtherance of this riot, RAM members and associates punched and struck multiple



individuals with a torch. After the students and protestors left, the defendant yelled "total victory" and "we beat you tonight, we'll beat you tomorrow too!"

#### **V. The Unite the Right Rally on August 12, 2017**

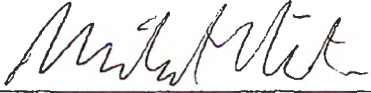
On the morning of August 12, 2017, multiple groups and individuals espousing white-supremacist and other anti-Semitic and racist views arrived in and around the vicinity of Emancipation Park in Charlottesville, Virginia, to attend the Unite the Right rally. When they showed up to Emancipation Park, the defendant and other RAM members had in fact wrapped their hands with the white athletic tape purchased the day prior. The defendant carried their baseball helmets in his backpack. After several instances of violence prior to the scheduled start of the rally, law enforcement declared an "unlawful assembly" and required rally participants to disperse.

One of the first breakouts of violence on the morning of August 12 occurred on 2nd Street NE, between Jefferson and High Streets, in downtown Charlottesville. The defendant and other RAM members were part of a large group of (over forty) individuals seeking entry to Emancipation Park by way of 2nd Street NE, but were told by members of law enforcement they had to enter from a different location. The group, including the defendant and other RAM members, turned around, lined up, and began to make their way through a group of (over twenty) individuals who had come to the rally to protest against racial and other forms of discrimination.

As they made their way through the group of protestors, the defendant and other RAM members collectively pushed, punched, kicked, choked, head-butted, and otherwise assaulted several individuals, resulting in a riot. During and in furtherance of this riot, the defendant personally committed multiple violent acts, including but not limited to, the following: (1) punching a protestor who had already been thrown to the ground; and (2) kicking a protestor as the protestor was falling to the ground. None of these acts of violence were in self-defense.

Later in the day, the defendant and RAM members went into Emancipation Park prior to the start of the rally, where many additional violent interactions occurred between protestors and rally attendees. The defendant, as memorialized by video footage, sought to provoke protestors to "come and get it" or to "come get some." In a subsequent altercation, the defendant attempted to punch a protestor at the top of the stairs that led into the park, and then sought to land another punch on the same individual. This altercation was captured on video, which the defendant shared with a co-defendant and fellow RAM member on August 20, 2017, who replied to the defendant "You should have ran in [and] chest kicked that faggot down the stairs." The defendant replied: "Yeah, massive regret after watching that footage . . . next time he's going flying."

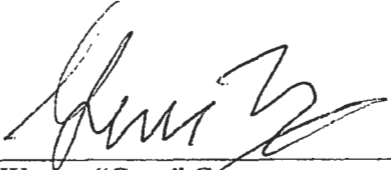
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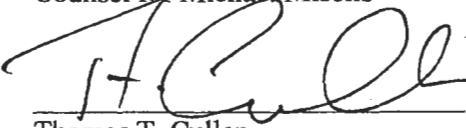
  
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Michael Paul Miselis  
Defendant

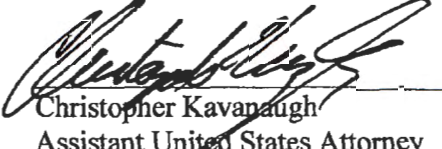
5-3-19  
Date

5-2-19  
Date

5-3-19  
Date

  
Warren "Gene" Cox  
Counsel for Michael Miselis

  
Thomas T. Cullen  
United States Attorney

  
Christopher Kavanaugh  
Assistant United States Attorney



IN THE  
UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA

FILED  
In open court  
MAY 03 2019

JULIA C. DUDLEY, CLERK  
BY: [Signature]  
DEPUTY CLERK

UNITED STATES OF AMERICA : Criminal No. 3:18 CR 00025 (NKM)  
:  
v. :  
:  
BENJAMIN DRAKE DALEY :

STATEMENT OF OFFENSE

The offenses described below occurred within the Western District of Virginia, as well as other districts. This Statement of Facts briefly summarizes the facts and circumstances surrounding the defendant's criminal conduct. It does not contain all of the information obtained during this investigation and applicable to an accurate Presentence Report and Sentencing Guidelines calculation.

This statement of facts is not protected by proffer agreement or any other agreement, and shall be wholly admissible at trial in the event this plea is later withdrawn notwithstanding any Rules or statutes to the contrary, including but not limited to, Federal Rules of Evidence 408 and 410, and Federal Rule of Criminal Procedure 11, unless the Court rejects the plea agreement under Rule 11(c)(1)(C).

The defendant, BENJAMIN DRAKE DALEY, acknowledges and agrees that, in proving the elements of the crimes to which he is pleading guilty, the United States can establish the following facts beyond a reasonable doubt, and that these facts constitute an adequate basis for his plea of guilty.

In early 2017, the defendant Benjamin Drake Daley and other individuals participated in an organization originally known as the "DIY Division" that was later re-branded as the "Rise Above Movement" or "RAM." RAM was located in the greater Los Angeles, California area and represented itself as a combat-ready, militant group of a new nationalist white identity movement. RAM regularly held hand-to-hand and other combat training for RAM members and associates to prepare to engage in violent confrontations with protestors and other individuals at purported "political" rallies. They attended these rallies with the expectation that physical conflict with counter-protestors would occur, and they celebrated violence it happened. RAM leaders organized the training sessions and attendance at political rallies through phone calls and text messages. In 2017, the defendant attended several such combat training events and rallies.

Through various social media platforms, RAM would publicly post photographs of its members with their faces partially concealed. These photographs would be accompanied by

Defendant's Initials: [Signature]



statements such as "When the squad[']s not out smashing commies," "#rightwingdeathssquad," or "#goodnightleftside." The defendant posed in some of these group photographs.

### **I. Huntington Beach, California on March 25, 2017**

On March 25, 2017, the defendant attended a political rally in Huntington Beach, California along with several RAM members. At that event, several RAM members engaged in physical fights with protestors and other persons. Following that rally, photographs depicting RAM members assaulting protestors and other persons were covered on the news and on various Neo-Nazi, white supremacist websites. RAM members celebrated this coverage, and used the Internet to post statements, photographs, and videos of assaults committed by RAM members at this rally in order to recruit members to engage in violent confrontations at future events. For example, on the evening after the rally, the defendant sent a text message to fellow RAM members: "Front page of [website] we did it fam." In referencing these events at Huntington Beach, the RAM Twitter account later posted a photograph showing several RAM members at the event, with the message, "Shortly after this pic antifa was btfo [i.e., blown the f—k out] in Huntington Beach."

### **II. Berkeley Riots on April 15, 2017**

In early 2017, a purported political rally was scheduled to occur in Martin Luther King Jr. Civic Center Park in Berkeley, California.

In anticipation of this rally, the defendant helped to organize a RAM training on Sunday, April 9, 2017, in San Clemente, California, the weekend before the rally. At this training, one of the subjects of focus would be hand-to-hand fighting and formation fighting. The defendant attended these trainings.

Prior to the event, on or about April 14, 2017, the defendant, using his debit card and his phone number, reserved and rented a van from Airport Van Rentals located at the Los Angeles International Airport to transport the defendant and other RAM members from southern California to Berkeley, California. On the evening of Friday, April 14, 2017, the defendant and several RAM members drove together to Berkeley, California.

On April 15, 2017, several hundred people – to include the defendant and the other RAM members – attended the rally. The defendant and other RAM members were dressed in gray clothing, goggles, and with black scarfs or masks to cover the lower half of their faces. Throughout the day, there were several violent clashes between some rally attendees and individuals protesting the rally. In one of the first such instances, the defendant and other RAM members crossed the barrier separating the attendees and protestors, and physically fought with protestors.

As the rally broke up, rally attendees and protestors dispersed onto the streets of downtown Berkeley. The defendant, alongside other RAM members, followed a group of

*Defendant's Initials:*

BD



protestors who were leaving the area. Other RAM members attacked a protestor, punching him several times and stomping on him once. The defendant kicked down a fence that was blocking the street, and then ran up to a protestor and kicked him from behind. The protestor then sprayed the defendant with a chemical irritant.

Following the rally, photographs depicting the defendant and other RAM members assaulting protestors and other persons were covered on the news and on various Neo-Nazi, white supremacist websites. RAM members celebrated this coverage, and used the Internet to post photograph and videos of assaults committed by RAM members in order to recruit members to engage in violent confrontations at future events. For example, on May 15, 2017, the RAM Instagram account posted a photograph of a RAM member wearing a black skull mask at the Berkeley event along with the comment, "#rightwingdeathsquad." On May 31, 2017, the defendant posted on Facebook: "White nationalist[s] were the reason the battle on Berkeley on April 15th was a victory." On January 10, 2018, the RAM Twitter account posted a message describing itself as "the only alt right crew that actually beats antifa senseless and wins rallies." On February 14, 2018, the RAM Gab account posted a photograph of a RAM member punching a protestor at the Berkeley event along with the text, "Talk shit get hit!"

Because one of the RAM members had broken his hand by punching someone in Berkeley, future RAM trainings events would include training on using "palm strikes" and elbows. Over the summer of 2017, the defendant helped organize these trainings to prepare for future rallies.

### **III. Preparations and Travel to Charlottesville in August 2017**

In or around the spring and summer of 2017, an event referred to as the "Unite the Right" rally was organized and scheduled to occur on August 12, 2017, at Emancipation Park in Charlottesville, Virginia. This rally was widely promoted on social media and internet sites associated with white-supremacist individuals and groups, and was scheduled to feature a lineup of well-known white-supremacist speakers.

On or about July 26, 2017, the defendant, through a family member, obtained a ticket on American Airlines for a round-trip commercial flight from Los Angeles International Airport in California to Charlottesville Albemarle Airport in Charlottesville, Virginia, departing on August 11, 2017 and returning on August 16, 2017. On August 11, 2017, the defendant boarded his flight and traveled from California to Charlottesville, Virginia, landing at approximately 2:25 p.m. (EST). At the time of his travel, the defendant expected that either he or his fellow RAM members (some of whom were also traveling to Charlottesville) would engage in violent confrontations with protestors or other individuals at the upcoming events in Charlottesville.

For example, on July 24, 2017, the defendant posted on the Discord platform to the "Charlottesville" thread for Unite the Right Rally participants that he and his co-defendants were "experienced at these events" and that "all were in Berkeley riots." In a text message on August

*Defendant's Initials:*



9, 2017, the defendant described a co-defendant who would be staying with them in Charlottesville as an "Excellent fighter" and that he was "[s]toked to have him with us."

In anticipation of these confrontations, after arriving in Charlottesville, the defendant used his debit card to purchase athletic tape at the Wal-Mart for RAM members to wrap their fists in order to prevent their hands from breaking when they punched someone. In advising others when buying provisions for the weekend, the defendant advised them to "[m]ake sure to not use your card. Hit the ATM and use cash."

#### **IV. The Torch-Lit March at the University of Virginia on August 11, 2017**

On August 11, 2017, the evening prior to the scheduled Unite the Right rally, hundreds of individuals, including the defendant and fellow RAM members and associates, were gathering to engage in a torch-lit march on the grounds of the University of Virginia in Charlottesville, Virginia. At a nearby field where the group was gathering, the defendant and fellow RAM members and associates lined up in formation, lit their torches, and waited for the march to commence.

Throughout the march, the participants engaged in chants promoting or expressing white supremacist and other racist and anti-Semitic views, such as "Blood and soil!" and "Jews will not replace us!" The march culminated near the University of Virginia's Rotunda, where a smaller group of individuals, including University of Virginia students, had gathered around a statue of Thomas Jefferson to protest the torch-lit march. Members of this group held a banner that read: "VA Students Act Against White Supremacy." Chanting and bearing torches, the march participants encircled the Thomas Jefferson statue and surrounded the protestors. Violence erupted among the crowd, with some individuals punching, kicking, spraying chemical irritants, swinging torches, and otherwise assaulting others, all resulting in a riot as that term is defined under 18 U.S.C. § 2102. During and in furtherance of this riot, the defendant and other RAM members and associates punched and struck multiple individuals with a torch.

On February 6, 2018, in a conversation on Facebook, the defendant admitted that he was present at "the fight at the torch march" and that he "hit like 5 people."

#### **V. The Unite the Right Rally on August 12, 2017**

On the morning of August 12, 2017, multiple groups and individuals espousing white-supremacist and other anti-Semitic and racist views arrived in and around the vicinity of Emancipation Park in Charlottesville, Virginia, to attend the Unite the Right rally. When they showed up to Emancipation Park, the defendant and other RAM members had in fact wrapped their hands with the white athletic tape purchased the day prior. After several instances of violence prior to the scheduled start of the rally, law enforcement declared an "unlawful assembly" and required rally participants to disperse.

*Defendant's Initials:*

*BD*



One of the first breakouts of violence on the morning of August 12, 2017 occurred on 2nd Street NE, between Jefferson and High Streets, in downtown Charlottesville. The defendant and other RAM members were part of a large group of (over forty) individuals seeking entry to Emancipation Park by way of 2nd Street NE, but were told by members of law enforcement they had to enter from a different location. The group, including the defendant and other RAM members, turned around, lined up, and began to make their way through a group of (over twenty) individuals who had come to the rally to protest against racial and other forms of discrimination.

As they made their way through the group of protestors who were blocking their path to the park, the defendant and other RAM members collectively pushed, punched, kicked, choked, head-butted, and otherwise assaulted several individuals, resulting in a riot. During an in furtherance of this riot, the defendant personally committed multiple acts, including but not limited to, the following: (1) punching a protestor at least twice and kicking him once; (2) attempting to punch a second protestor; (3) grabbing a protestor and throwing her off the sidewalk; and (4) grabbing a protestor by her throat and throwing her to the ground. These acts were not in self-defense.

May/1/2019  
Date

Ben Drake Daley  
Benjamin Drake Daley  
Defendant

5/3/19  
Date

Lisa Lorish  
Lisa Lorish  
Counsel for Benjamin Daley

5-3-19  
Date

Thomas T. Cullen  
Thomas T. Cullen  
United States Attorney

5/3/19  
Date

Christopher Kavanaugh  
Christopher Kavanaugh  
Assistant United States Attorney

Defendant's Initials: BD